

EXHIBIT ( 1 )

DISTRICT COURT

THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

MariMacSS

Dominic S. Ali

v.

Warden, Northern N.H. Correction  
Facility

Case No. 2013-0155

Petitioners Motion For Reversal

Now comes, Dominic Ali, *sui iuris*, who respectfully requests this Honorable Court to grant this motion for the following reason states below;

The petitioner, Dominic Ali, has filed a petition for writ of habeas corpus in which he attacks the validity of his 2004. Goffstown District Court conviction for violation of a protective order plan that was not intelligently and voluntarily made. The petitioner asserts that he was denied his constitutional Rights to the effective assistance of Counsel, that counsel from the public Defender's Office grossly misinformed the petitioner about the law, in the proceeding of 2004.

In or about Dec 13, 2010, This Honorable Court Affirmed in part and vacated in part the petitioner's conviction and sentence. See; Docket 2009-0140 and Ali v. Gerry, U.S.D.

The petitioner prays, that the Honorable Court Conboy Ann Carol Should be disqualifed from this case for the following reason states below;

The State of N.H. has charged the petitioner with Class A Felony and class B simple assault as felonies based on its interpretation of RSA that the trial Court did not decline to look beyond the clear and unambiguous language of the Statute. RSA 173-B:9, IV, III. That the trial Court denied to dismiss indictment (850).

On or about Sept 23, 2010, before the final decision on the petitioner's appeal, the petitioner filed a motion requesting permission to file his own brief in support of his counsel argument that listed no reversible error, in which Justice Conboy, on Octo 6, 2010, denied the petitioner's motion and petitioner motion to appoint new counsel with this Court filed on 7/23/10, for conflict of interest by the N.H.P.D. and the Appellate Defender's

Office. That the Honorable Court Conboy, decision in failure to consider the petitioner claim prejudice the petitioner resulting in an unreliable or fundamentally unfair outcome of the proceeding and substantial miscarriage of justice, when he rendered a decision that was prejudice in light of prevailing law, by the reviewing authority. When Counsel for the petitioner failed to look her significant errors of law, that seem weighty enough to convince an appellate panel to change a sentence or conviction.

The Supreme Court stated in Jones v. Barnes, 463 U.S. 745 (1983) "that Defense Counsel assigned to prosecute an appeal from a criminal conviction does not have a constitutional duty to raise every nonfrivolous issue requested by the defendant. The accused has the ultimate authority to make certain fundamental decisions regarding his case, including the decision whether to take an appeal; and with some limitations, he may elect to act as his own advocate. However, an indigent defendant has no constitutional right to compel appointed Counsel to press nonfrivolous points requested by the client, if Counsel, as a matter of professional judgment, decides not to present those points."

Fee; motion to appoint new Counsel, filed on 7/7/2010,

In this instance, case, Denial of the Honorable Court to allowed the petitioner to appear for (DVP) hearing on 4/8/2004, for his testimony that could have the petition dismissed prejudice the petitioner's case.

A Domestic violence final order issued pursuant to RSA 173-B:9,IV by the Hillsborough County Superior Court on 4/8/2004, that was filed under false allegation, when there was insufficient allegation of facts to support the issuance of an ex-parte temporary (DVP) to the plaintiff. See; Fillmore v. Fillmore, "47 NH 283" The Honorable court then was Conboy who having considered the plaintiff's petition and issued a summons for the petitioner who was arrested on April 1st, 2004, for 20 days, that the Honorable court Conboy did not allowed him to appear before the court for his testimony for the purpose of attacking the character for truthfulness of the plaintiff, when the petitioner had proof of an act of dishonesty and false statement made by the plaintiff. see, Docket 04-NH-440, and attachment A). and motion filed on 9/28/2010 State v. A/C, 2009-0140 attachment.

The petitioner was arrested again on an active warrant after the Honorable Court Norman E. Champagne on May 26, 2004, dismissed the Plaintiff Case, and the (DVP) that was filed under false statement and dishonesty, that played a big role in granting D.V. petition by the Honorable Court Conroy, on March 29, 2004.

The petitioner was sentence to (29) Days credit by the Goffstown-District Court and his incompetent Counsel from the Public Defender's Office, known the petitioner was motivated primarily by a strong desire not want to Plea Guilty to anything that result in conviction.

On or bout, 2009, the petitioner filed a Rule 7 Notice of mandatory appeal with this Court. And one of the specific question to be raised on appeal was the statutory language of RSA 173-B:9, ir when the trial Court denied the petitioner pre-trial motion to dismiss his case under indictment 2008,08-5-858. that Justice Conroy had a big hand in making a decision of the (DVP), petitioner's motion on 9/28/10, and the petitioner's appeal on Dec 13, 2010, and also petition of Dominic Ali, Doc No 2011-0873 for Original Jurisdiction January 25, 12. and Ali's motion for new counsel with this

The neutrality requirement helps guarantee that life liberty or property will not be taken on the basis of an erroneous or distorted conception of facts or the law. At the same time, it preserves both the appearance and reality of fairness generating the feeling so important to a popular government that justice has been done by ensuring that no person will be deprived of his interest in the absences of a proceeding in which he may present his case with assurance that the arbiter is not pre-disposed to find against him.

In the instance case or past cases of the petitioner with this Court, the Honorable decision prejudice the petitioner resulting in an unrotiable or fundamentally unfair outcome of the proceeding. 29 U.S.C. 455, it read in part quite simply "Any Justice or Judge of the United State shall disqualify himself in any case in which he has a substantial interest, has been of Counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper opinion, for him to sit on the trial appeal or other proceeding therein". See; U.S. v. Chant"72 F.2d 1038" (2 Cir. 1990) Chant).

The Honorable Court can deny clerical of petitioner Constitutional Rights effective assistance of counsel when his appellate counsel only interested in a fee and was under conflict of interest, that he failed to challenge the State who obtains a conviction through such trial that unconstitutionally deprives the petitioner's rights.

The State improperly enhance the petitioner indictment under RSA 173-B:9, IV petition and the decision by Justice Conboy in 4/18/2004, that during the petitioner appeal, did not disqualify him self from the petitioner case, 2009-0140, that his conduct raised reasonable doubts of the Judge's impartiality growing out of judicial proceedings.

For instance, the U.S. Supreme Court states in Jones v. Barnes, 463 U.S. 745 (1983) in states that in part, "defense counsel from criminal conviction does not have a constitutional duty to raise every issues requested by the petitioner," but on October 6, 2010, the Honorable Court Conboy denies to rule on the petitioner motion filed on Sept 28, 2010, filed with this Court. after the petitioner appellate Defender refuses to argue some of the issues that would reverse the petitioner conviction including ineffective assistance of counsel by the trial counsel from the New Hampshire Public Defender's Office, see; Estate v. Vande, 154 NH 730

See; also the petitioner motion to appoint new Counsel other than the appellate Defender Office Filed on 7/23/2010, in this Court. Also was denied by Justice Conboy rather than disqualify himself from this case. See; Elliott v. Lucey, 469 U.S. 387, L.Ed.2d (1985).

The U.S. Supreme Court applied a three factor test to determine whether a judicial action taken in violation of section 455(a) should be remedied by vacatur. This test requires a court to consider "(1) the risk of injustice to the parties in the particular case, (2) the risk that denial of relief will produce injustice in other cases and (3) the risk of undermine the public's confidence in the judicial process; with respect to this Honorable Court - see; Roberts v. Balar, 625 F.2d 125, (6th Cir 1980).

WHEREFORE, The petitioner prays that;

- 1- the Honorable Court Conboy be disqualified from this case;
- 2- And for such other just relief as this Court deems right.

Dominic

Certificate of Service

I, Dominic Ali, hereby certify under  
penalty of perjury that the states is true  
and a copy of this motion was filed  
and forwarded first class postage address to  
AG Office Concord on this Date; 4/8/2013

Dominic Ali  
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C: File.



April 8, 2013